

**UNITED STATES DISTRICT COURT**

MIDDLE DISTRICT OF ALABAMA

OFFICE OF THE CLERK

POST OFFICE BOX 711

MONTGOMERY, ALABAMA 36101-0711

DEBRA P. HACKETT, CLERK

TELEPHONE (334) 954-3600

**NOTICE OF CORRECTION**

**From: Clerk's Office**

**Case Style: Pitts v. United States of America**

**Case Number: 2:06-cv-01129-MEF**

**Referenced Pleading: Motion to Vacate w/attachments - Doc. 1**

**This Notice of Correction was filed in the referenced case this date to correct the PDF documents attached to this notice. Please see the correct PDF documents to this notice.**

2:06-CV-1129-MEF  
RECEIVED

AO 243 (Rev. 5/85)

MOTION UNDER 28 USC § 2255 TO VACATE, SET ASIDE, OR CORRECT  
SENTENCE BY A PERSON IN FEDERAL CUSTODY

2006 DEC 21 A 9:27

<b>United States District Court</b>		District MIDDLE DISTRICT OF ALABAMA	DEBRA P. HACKETT, CLERK U.S. DISTRICT COURT MIDDLE DISTRICT ALA
Name of Movant AMY ANN PITTS		Prisoner No. 11373-002	Case No. 2:04CR25-MEF
Place of Confinement FPC - MARIANNA, MARIANNA, FLORIDA 32446			

UNITED STATES OF AMERICA

V. AMY ANN PITTS

(name under which convicted)

**MOTION**

- Name and location of court which entered the judgment of conviction under attack UNITED STATES  
DISTRICT COURT, MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION
- Date of judgment of conviction January 31, 2006
- Length of sentence One Hundred twenty-one (121) months
- Nature of offense involved (all counts) 21:841(a)(1) Possession with Intent to Distribute  
Methamphetamine
- What was your plea? (Check one)
  - Not guilty ☐
  - Guilty ☒
  - Nolo contendere ☐

If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, give details:

N/A
- If you pleaded not guilty, what kind of trial did you have? (Check one) N/A
  - Jury ☐
  - Judge only ☐
- Did you testify at the trial? N/A  
Yes ☐ No ☐
- Did you appeal from the judgment of conviction?  
Yes ☐ No ☒

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9. If you did appeal, answer the following: N/A

(a) Name of court N/A

(b) Result N/A

(c) Date of result N/A

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications or motions with respect to this judgment in any federal court? N/A  
Yes ☐ No ☒

11. If your answer to 10 was "yes," give the following information: N/A

(a) (1) Name of court N/A

(2) Nature of proceeding N/A

(3) Grounds raised N/A

(4) Did you receive an evidentiary hearing on your petition, application or motion?  
Yes ☐ No ☒

(5) Result N/A

(6) Date of result N/A

(b) As to any second petition, application or motion give the same information:

(1) Name of court N/A

(2) Nature of proceeding N/A

(3) Grounds raised N/A

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(4) Did you receive an evidentiary hearing on your petition, application or motion?  
Yes ☐ No ☒

(5) Result N/A

(6) Date of result N/A

(c) Did you appeal, to an appellate federal court having jurisdiction, the result of action taken on any petition, application or motion? N/A

(1) First petition, etc. Yes ☐ No ☒

(2) Second petition, etc. Yes ☐ No ☒

(d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:

The primary reason for not doing an appeal is because I was advised  
that since I did a plea agreement, I gave up the right to appeal my  
conviction. Therefore, I did not want to breach the agreement with  
the government, so I did not appeal my conviction.

12. State *concisely* every ground on which you claim that you are being held in violation of the constitution, laws or treaties of the United States. Summarize briefly the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting same.

CAUTION: If you fail to set forth all ground in this motion, you may be barred from presenting additional grounds at a later date.

For your information, the following is a list of the most frequently raised grounds for relief in these proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you have other than those listed. However, you should raise in this motion all available grounds (relating to this conviction) on which you based your allegations that you are being held in custody unlawfully.

Do not check any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. The motion will be returned to you if you merely check (a) through (j) or any one of the grounds.

- (a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily or with understanding of the nature of the charge and the consequences of the plea.
- (b) Conviction obtained by use of coerced confession.

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- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Conviction obtained by a violation of the privilege against self-incrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impanelled.
- (i) Denial of effective assistance of counsel.
- (j) Denial of right of appeal.

A. Ground one: VIOLATION OF SIXTH AMENDMENT RIGHTS - PSI

Supporting FACTS (state *briefly* without citing cases or law) At the Sentencing, objections to the PSI were not addressed (See Exhibit 1 attached to the Memorandum of Law). Therefore, I feel that it is a violation of my sixth amendment rights, when these issues were not resolved before I was sentenced.

B. Ground two: CONVICTION OBTAINED BY A BREACH OF PLEA AGREEMENT

Supporting FACTS (state *briefly* without citing cases or law): It was my understanding that the government is bound by any material promises it makes to a person as a part of a plea agreement. Therefore, I was under the impression that the agreement that I agreed to was official and could not be changed unless I was informed. But changes were made to my agreement and I was not informed of the changes. Therefore, the agreement was violated.

C. Ground three: VIOLATION OF SENTENCING GUIDELINES - GUN ENHANCEMENT

Supporting FACTS (state *briefly* without citing cases or law): During sentencing, I was enhanced with a firearm possession, but the government failed to prove that the gun was used in the actual commitment of the offense.

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\_\_\_\_\_

\_\_\_\_\_

D. Ground four: \_\_\_\_\_

\_\_\_\_\_

Supporting FACTS (state *briefly* without citing cases or law): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

13. If any of the grounds listed in 12A, B, C, and D were not previously presented, state briefly what grounds were not so presented, and give your reasons for not presenting them: All the grounds mentioned in the  
§ 2255 have not been mention in any other documents submitted to the Court.
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

14. Do you have any petition or appeal now pending in any court as to the judgment under attack?  
 Yes ☐ No ☒

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

(a) At preliminary hearing Barry Teague, Esq.

138 Adams Avenue, P. O. Box 586  
Montgomery, AL 36101

(b) At arraignment and plea Barry Teague, Esq.

138 Adams Avenue, P. O. Box 586  
Montgomery, AL 36101

(c) At trial N/A

\_\_\_\_\_

\_\_\_\_\_

(d) At sentencing Barry Teague, Esq.

138 Adams Avenue, P. O. Box 586  
Montgomery, AL 36101

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(e) On appeal N/A

(f) In any post-conviction proceeding N/A

(g) On appeal from any adverse ruling in a post-conviction proceeding N/A

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at approximately the same time?  
Yes ☐ No ☒

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?  
Yes ☐ No ☒

(a) If so, give name and location of court which imposed sentence to be served in the future: N/A

(b) Give date and length of the above sentence: N/A

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?  
Yes ☐ No ☒

Wherefore, movant prays that the Court grant him all relief to which he may be entitled in this proceeding.

\_\_\_\_\_  
Signature of Attorney (if any)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

12/19/06  
(date)

  
Signature of Movant

UNITED STATES DISTRICT COURT

MIDDLE

District of

ALABAMA

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

V.

AMY ANN PITTS

Case Number: 2:04CR25-MEF

USM Number: 11373-002

Barry E. Teague

Defendant's Attorney

THE DEFENDANT:

X pleaded guilty to count(s) 1 of the Indictment on 4/11/2005

☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.

☐ was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section

Nature of Offense

21:841(a)(1)

Possession with Intent to Distribute Methamphetamine

Offense Ended

1/28/04

RECEIVED

Count

1

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) \_\_\_\_\_

☐ Count(s) \_\_\_\_\_ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

January 31, 2006

Date of Imposition of Judgment

Signature of Judge

MARK E. FULLER, CHIEF U.S. DISTRICT JUDGE

Name and Title of Judge

Date

ATTEST: A True Copy.

Certified to

Clerk, U.S. District Court,  
Middle District of Alabama

BY

Deputy Clerk

SCANNED

108



DEFENDANT: AMY ANN PITTS  
CASE NUMBER: 2:04CR25-F

### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

**One hundred twenty one (121) months.**

☒ The court makes the following recommendations to the Bureau of Prisons:

**The Court recommends that defendant be designated to a facility where Intensive Residential Substance Abuse Treatment is available.**

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on \_\_\_\_\_

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

**RETURN**

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

at \_\_\_\_\_, with a certified copy of this judgment.

**RETURNED AND FILED**

MAY 19 2006

RECEIVED  
2006 MAY 18 A 10:48  
U. S. DISTRICT COURT  
MIDDLE DISTRICT OF  
ALABAMA  
CLERK  
MAILED  
JUL 10 2006

UNITED STATES MARSHAL

DEPUTY UNITED STATES MARSHAL

I HAVE PARTIALLY/FULLY EXECUTED THIS JUDGMENT/WARRANT  
TRANSFER ORDER BY TAKING CUSTODY OF  
AT \_\_\_\_\_ AND COMMITTED SAME TO  
ON 5/9/06

BOP BUS LIEUTENANT

**SCANNED**

109

DEFENDANT: AMY ANN PITTS  
CASE NUMBER: 2:04CR25-F

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

**Four (4) years.**

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: AMY ANN PITTS  
CASE NUMBER: 2:04CR25-F

### **SPECIAL CONDITIONS OF SUPERVISION**

**Defendant shall participate in drug testing and treatment and contribute to the cost of any treatment based on ability to pay and availability of third party payments.**

**Defendant shall submit to a search of her person, residence, office or vehicle pursuant to the search policy of this Court.**

DEFENDANT: AMY ANN PITTS  
CASE NUMBER: 2:04CR25-F

### CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$ 0	\$ 0

☐ The determination of restitution is deferred until \_\_\_\_\_. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
----------------------	--------------------	----------------------------	-------------------------------

TOTALS	\$ _____	0	\$ _____	0
--------	----------	---	----------	---

☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: **AMY ANN PITTS**  
CASE NUMBER: **2:04CR25-F**

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than \_\_\_\_\_, or  
X in accordance ☐ C, ☐ D, ☐ E, or ☒ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:

**Criminal monetary payments shall be made payable to the Clerk, U.S. District Court, Middle District of Alabama, P.O. Box 711, Montgomery, AL 36101.**

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

27BE, CLOSED, MJSELECT

**U.S. District Court**  
**Alabama Middle District (Montgomery)**  
**CRIMINAL DOCKET FOR CASE #: 2:04-cr-00025-MEF-SRW-ALL**  
**Internal Use Only**

Case title: USA v. Pitts

Date Filed: 02/25/2004

Assigned to: Hon. Chief Judge Mark E.  
Fuller  
Referred to: Honorable Susan Russ  
Walker

**Defendant**

**Amy Ann Pitts (1)**  
*TERMINATED: 02/03/2006*

represented by **Barry Elvin Teague**  
138 Adams Avenue  
P. O. Box 586  
Montgomery, AL 36101  
(334) 834-4500  
Fax: 834-4501  
Email: beteague36@aol.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

**Pending Counts**

21:841(a)(1) - POSS TO  
DISTB/METHAMPHETAMINE - NLT  
10Y;[\*]; NLT 10Y; B; NLT 5Y SUP  
REL; G/L; VWPA; \$100 SA  
(1)

**Disposition**

121 Mos Imp; 4 Yrs Sup Rel; \$100 SA

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

None

**Disposition**

**Highest Offense Level (Terminated)**

None

**Complaints**

None

**Disposition**

**Plaintiff**

**United States of America**

represented by **John T. Harmon**

U.S. Attorneys Office  
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Montgomery, AL 36101-0197  
334-223-7280  
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**Terry F. Moorer**  
U.S. Attorney's Office  
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334-223-7280  
Fax: 223-7560  
Email: terry.moorer@usdoj.gov  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
01/29/2004	1	COMPLAINT as to Amy Ann Pitts [ 2:04-m -7 ] (ws) (Entered: 01/29/2004)
01/29/2004		**Added Government Attorney A. Clark Morris as to Amy Ann Pitts [ 2:04-m -7 ] (ws) (Entered: 01/29/2004)
01/29/2004		**Added ip party Amy Ann Pitts [ 2:04-m -7 ] (ws) (Entered: 01/29/2004)
01/29/2004		**Added party US Marshals Service, Montgomery U.S. Probation, U.S. Pretrial, USA Financial Unit [ 2:04-m -7 ] (ws) (Entered: 01/29/2004)
01/29/2004	2	Arrest WARRANT issued as to Amy Ann Pitts [ 2:04-m -7 ] (ws) (Entered: 01/29/2004)
01/29/2004		ARREST of Amy Ann Pitts [ 2:04-m -7 ] (ws) (Entered: 01/29/2004)
01/29/2004		Initial appearance as to Amy Ann Pitts held before Mag. Judge Charles S. Coody on 1/29/04 (Defendant informed of rights.) [ 2:04-m -7 ] (ws) (Entered: 01/29/2004)
01/29/2004	3	CJA 23 FINANCIAL AFFIDAVIT by Amy Ann Pitts [ 2:04-m -7 ] (ws) (Entered: 01/29/2004)
01/29/2004		**Added for Amy Ann Pitts Attorney Barry Elvin Teague [ 2:04-m -7 ] (ws) (Entered: 01/29/2004)
01/29/2004	4	ORDER Setting Conditions of Release as to Amy Ann Pitts Bond set to \$25,000 for Amy Ann Pitts. ( Signed by Mag. Judge Charles S. Coody ) Copies mailed to: Counsel, Deft, Copies furnished to: USA,USM, USPO, USPTS, FD, WS [ 2:04-m -7 ] (ws) (Entered: 01/29/2004)
01/29/2004	5	BOND entered by Amy Ann Pitts Bond set to \$25,000 for Amy Ann Pitts. [ 2:04-m -7 ] (ws) (Entered: 01/29/2004)
01/29/2004	6	Courtroom Deputy's Minutes as to Amy Ann Pitts : Initial Appearance held; Atty. Joseph Vann Heest stand-in only at initial appearance with deft; Defendant advised court that she has retained counsel - Barry Teague; Preliminary hearing to be set at a later date upon contact with Atty. Teague. [ 2:04-m -7 ] (ws) (Entered: 01/29/2004)
01/29/2004	7	Arrest WARRANT Returned Executed as to Amy Ann Pitts on 1/29/04 [ 2:04-m -7 ] (ws) (Entered: 01/29/2004)
01/30/2004	8	Arrest WARRANT Returned Executed as to Amy Ann Pitts on 1/29/04 [ 2:04-m -7 ] (ws) (Entered: 02/02/2004)
02/02/2004	9	NOTICE of Appearance for Amy Ann Pitts by Attorney Barry Teague [ 2:04-m -7 ] (ws) (Entered: 02/02/2004)
02/03/2004	10	ORDER as to Amy Ann Pitts Setting Preliminary Examination for 2:00 2/6/04 for Amy Ann Pitts before Mag. Judge Charles S. Coody in



		Courtroom 4B ( Signed by Mag. Judge Charles S. Coody ) Copies mailed to: Counsel, Deft, Copies furnished to: USA, USM, USPO, USPTS, WS, YG, HC [ 2:04-m -7 ] (ws) (Entered: 02/03/2004)
02/06/2004	11	Waiver of Preliminary Examination or Hearing by Amy Ann Pitts [ 2:04-m -7 ] (ws) (Entered: 02/06/2004)
02/25/2004	12	INDICTMENT as to Amy Ann Pitts (1) count(s) 1 (ws) (Entered: 02/27/2004)
02/25/2004		**Added Government Attorney Leura Garrett Canary, John T. Harmon, Todd A. Brown as to Amy Ann Pitts (ws) (Entered: 02/27/2004)
02/25/2004		**Added ip party Amy Ann Pitts (ws) (Entered: 02/27/2004)
02/25/2004		**Added party US Marshals Service, Montgomery U.S. Probation, U.S. Pretrial, USA Financial Unit (ws) (Entered: 02/27/2004)
02/25/2004		Magistrate Judge Susan R. Walker assigned to case for discovery matters as well as matters subsequently referred by District Judge Mark E. Fuller . (ws) (Entered: 02/27/2004)
02/25/2004		(ws) (Entered: 02/27/2004)
02/27/2004	13	SUMMONS(ES) issued for Amy Ann Pitts (ws) (Entered: 02/27/2004)
02/27/2004		ARRAIGNMENT as to Amy Ann Pitts set for 10:00 3/10/04 for Amy Ann Pitts at U.S. Courthouse before Mag. Judge Susan R. Walker (ws) (Entered: 02/27/2004)
03/01/2004	14	NOTICE of Appearance for Amy Ann Pitts by Attorney Barry E. Teague (kcg) (Entered: 03/02/2004)
03/01/2004	22	SUMMONS Returned Executed as to Amy Ann Pitts 2/28/04 (kcg) (Entered: 03/21/2004)
03/09/2004		Received copy of letter to defense counsel regarding discovery matters by USA as to Amy Ann Pitts. (kcg) (Entered: 03/11/2004)
03/10/2004		ARRAIGNMENT as to Amy Ann Pitts held before Mag Judge Vanzetta P. McPherson on 3/10/04 Defendant(s) appeared with counsel and after having been advised of Defendant(s') rights, entered a plea of not guilty. (jct) (Entered: 03/10/2004)
03/10/2004		PLEA of Not Guilty: Amy Ann Pitts (1) count(s) 1 ; Court accepts plea. (jct) (Entered: 03/10/2004)
03/10/2004	15	Courtroom Deputy's Minutes as to Amy Ann Pitts : Arraignment (10:34 - 10:41 McPherson) (jct) (Entered: 03/10/2004)
03/10/2004	16	MOTION by Amy Ann Pitts to continue trial [16-1] referred to Judge Mark E. Fuller (kcg) (Entered: 03/11/2004)
03/15/2004	17	ORDER on Arraignment as to Amy Ann Pitts directing that that unless the government provided initial disclosures to the defendant prior to or at

		arraignment, the government is ORDERED to tender initial disclosure to the defendant on or before March 10, 2004, discovery is due on or before 3/17/04 for Amy Ann Pitts; Pretrial Motions due by 3/30/04 for Amy Ann Pitts ; set 2:00 4/2/04 for Amy Ann Pitts in U.S. Courthouse Judge Mark E. Fuller Jury Trial set 6/2/04 for Amy Ann in Courtroom 2A Jury Selection 6/2/04 for Amy Ann Pitts in U.S. Courthouse before Judge Mark E. Fuller ; and response to pretrial motions due 10 days from motion filing date. ( Signed by Mag. Judge Susan R. Walker ) Copies mailed to: Dft.,Counsel, Copies furnished to: USA,USPS,USPO,USMS,YG,HC,WR (kcg) (Entered: 03/15/2004)
03/15/2004	<u>18</u>	ORDER as to Amy Ann Pitts that defendant shall file his motion to continue and speedy trial waiver on or before March 19, 2004.( Signed by Mag. Judge Susan R. Walker ) Copies mailed to: Dft.,Counsel, Copies furnished to: USA,USPS,USPO,USMS (kcg) (Entered: 03/15/2004)
03/16/2004	19	MOTION by Amy Ann Pitts to Alter Terms of Pretrial Release for her Wedding [19-1] referred to Mag. Judge Charles S. Coody (kcg) (Entered: 03/16/2004)
03/18/2004	<u>20</u>	ORDER as to Amy Ann Pitts Response to Motion for Government is set for 4/1/04 for Amy Ann Pitts for [19-1] motion to Alter Terms of Pretrial Release for her Wedding ( Signed by Mag. Judge Charles S. Coody ) Copies mailed to: Dft.,Counsel, Copies furnished to: USA,USPS,USPO,USMS (kcg) (Entered: 03/18/2004)
03/18/2004	<u>21</u>	ORDER as to Amy Ann Pitts granting [16-1] motion to continue trial as to Amy Ann Pitts (1) to Continue in Interests of Justice Time Excluded from 03/18/04 to 09/13/04 ; resetting Jury Selection for 9/13/04 for Amy Ann Pitts at U.S. Courthouse before Judge Mark E. Fuller in Courtroom 2A , resetting Jury Trial on 9/13/04 for Amy Ann Pitts before Judge Mark E. Fuller in Courtroom 2A ( Signed by Judge Mark E. Fuller ) Copies mailed to: Dft.,Counsel, Copies furnished to: USA,USPS,USPO,USMS,YG,HC,WR,JT (kcg) (Entered: 03/18/2004)
03/30/2004	23	SUPPLEMENTAL RESPONSE by USA as to Amy Ann Pitts re [19-1] motion to Alter Terms of Pretrial Release for her Wedding referred to Mag. Judge Charles S. Coody (kcg) (Entered: 03/31/2004)
03/30/2004	24	UNOPPOSED MOTION by USA as to Amy Ann Pitts to continue pretrial conference [24-1] referred to Mag. Judge Susan R. Walker (kcg) (Entered: 03/31/2004)
03/30/2004	25	MOTION by Amy Ann Pitts to Suppress [25-1] referred to Mag. Judge Susan R. Walker (kcg) (Entered: 03/31/2004)
04/01/2004	<u>26</u>	ORDER as to Amy Ann Pitts granting [19-1] motion to Alter Terms of Pretrial Release for her Wedding as to Amy Ann Pitts (1) ( Signed by Mag. Judge Charles S. Coody ) Copies mailed to: Dft.,Counsel, Copies furnished to: USA,USPS,USPO,USMS (kcg) (Entered: 04/01/2004)












04/01/2004	<u>27</u>	ORDER as to Amy Ann Pitts granting [24-1] motion to continue pretrial conference as to Amy Ann Pitts (1) resetting Pretrial Conference for 3:00 4/7/04 for Amy Ann Pitts at U.S. Courthouse before Mag. Judge Susan R. Walker in Courtroom 5B ( Signed by Mag. Judge Susan R. Walker ) Copies mailed to: Dft.,Counsel, Copies furnished to: USA,USPS,USPO,USMS,YG,HC,JT,WR (kcg) (Entered: 04/01/2004)
04/02/2004	28	MOTION by Amy Ann Pitts to continue pretrial conference of 4/7/04 [28-1] referred to Mag. Judge Susan R. Walker (kcg) (Entered: 04/02/2004)
04/07/2004	<u>29</u>	ORDER as to Amy Ann Pitts re [28] Motion to Continue filed by Amy Ann Pitts, Motions granted as to Amy Ann Pitts : [28] Motion to Continue filed by Amy Ann Pitts. Pretrial Conference reset for 4/12/2004 02:00 PM in Courtroom 5B before Honorable Susan Russ Walker.. Signed by Judge Susan Russ Walker on 4/7/04. (kcg, ) (Entered: 04/07/2004)
04/14/2004	<u>31</u>	MOTION Petition for Warrant/Summons by Montgomery U.S. Probation as to Amy Ann Pitts under pretrial release supervision. (kcg, ) (Entered: 04/19/2004)
04/15/2004	<u>30</u>	ORDER as to Amy Ann Pitts that the Pretrial Conference previously scheduled for April 14, 2004, be and hereby is rescheduled for 4/20/2004 02:00 PM in Courtroom 5B before Honorable Susan Russ Walker. Signed by Judge Susan Russ Walker on 4/15/04. (kcg, ) (Entered: 04/16/2004)
04/19/2004		Judge update in case as to Amy Ann Pitts. Judge Susan Russ Walker added. (kcg, ) (Entered: 04/19/2004)
04/19/2004		STAMPED ORDER issuing <u>31</u> Motion Petition for Warrant/Summons as to Amy Ann Pitts (1). Signed by Judge Charles S. Coody on 4/19/04. (kcg, ) Modified on 4/21/2004 (kcg, ). (Entered: 04/19/2004)
04/19/2004	<u>32</u>	Arrest Warrant Issued as to Amy Ann Pitts. (kcg, ) (Entered: 04/19/2004)
04/20/2004	<u>33</u>	Minute Entry for proceedings held before Judge Susan Russ Walker :Pretrial Conference as to Amy Ann Pitts held on 4/20/2004 (2:00 - 2:06.) (jct, ) (Entered: 04/20/2004)
04/21/2004	<u>34</u>	PRETRIAL CONFERENCE ORDER as to Amy Ann Pitts Jury Trial set for 9/13/2004 before Honorable Mark E. Fuller. Jury Selection set for 9/13/2004 before Honorable Mark E. Fuller. The following motion is pending: Defendants motion to suppress. Motion will be set for hearing on July 22, 2004 at 2:00 p.m. Voir Dire due by 9/3/2004 Proposed Jury Instructions due by 9/3/2004 Motions in Limine due by 8/30/2004 Plea Agreement due by 9/3/2004. Signed by Judge Susan Russ Walker on 4/21/04. (kcg, ) (Entered: 04/21/2004)
04/21/2004		Set Hearing as to Amy Ann Pitts regarding Motion to Suppress Hearing is set for 7/22/2004 02:00 PM in Courtroom 5B before Honorable Susan Russ Walker. (kcg, ) (Entered: 04/21/2004)

04/21/2004	<u>35</u>	ORDER as to Amy Ann Pitts Pretrial Conference set for 8/23/2004 02:00 PM in Courtroom 5B before Honorable Susan Russ Walker. Signed by Judge Susan Russ Walker on 4/21/04. (kcg, ) (Entered: 04/21/2004)
04/22/2004	<u>36</u>	Minute Entry for proceedings held before Judge Charles S. Coody :Initial Appearance re Revocation of Pretrial Supervised Release violation as to Amy Ann Pitts held on 4/22/2004 (Tape #10:26 - 10:43.) (ws, ) (Entered: 04/22/2004)
04/29/2004	<u>37</u>	ORDER as to Amy Ann Pitts hearing re petition for revocation of the defendant's pretrial release is set for 5/4/2004 10:00 AM in Courtroom 4B before Honorable Charles S. Coody. The United States Marshal or the person have custody of the defendant who shall produce the defendant for the hearing. Pending these further proceedings, the court has tentatively decided that it will deny the petition for revocation but will modify the conditions of the defendant's release which shall include placing the defendant in the custody of her father with whom she will be required to live. The defendant's father should be present for these proceedings. The court expects to discuss further modifications of the conditions. Pending the proceedings on May 4, 2004, the defendant shall remain in custody as previously ordered. Signed by Judge Charles S. Coody on 4/29/04. (kcg, ) (Entered: 04/29/2004)
04/29/2004	<u>38</u>	Arrest Warrant Returned Executed on 4/21/04 as to Amy Ann Pitts. (kcg, ) (Entered: 04/29/2004)
05/03/2004	<u>39</u>	MOTION to Reschedule Revocation Hearing by Amy Ann Pitts. Referred to Mag. Judge Coody. (ws, ) (Entered: 05/03/2004)
05/04/2004	<u>40</u>	Minute Entry for proceedings held before Judge Charles S. Coody :Bond Revocation Hearing as to Amy Ann Pitts held on 5/4/2004 (Tape #FTR: 4:01 to 4:04.) (ws, ) (Entered: 05/04/2004)
05/04/2004	<u>41</u>	ORDER as to Amy Ann Pitts that the petition to revoke pretrial release filed by the probation officer on April 14, 2004 is hereby DENIED and that the terms of release imposed on the defendant on January 29, 2004, be and are hereby MODIFIED to include the following special conditions: 1. The defendant is placed in the custody of her father, Javier Pitts, who agrees (a) to supervise the defendant in accordance with all conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court appearances, and (c) to notify the court immediately in the event that the defendant violates any conditions of release or disappears. 2. The defendant shall continue participation in the home confinement program and shall abide by all the requirements of the program which will include electronic monitoring or other location verification systems as determined by her pretrial services officer, as further set out. 3. The defendant shall continue participation in the probation office's urine surveillance program and attend drug treatment if deemed necessary by the supervising officer. The defendant shall pay the costs of treatment. All other conditions imposed on January 29, 2004



		except as modified by this order shall remain in full force and effect. It is further ORDERED that the United States Marshal keep the defendant in custody until notified by the clerk or judicial officer that the defendant has complied with all other conditions for release. Signed by Judge Charles S. Coody on 5/4/04. (kcg, ) (Entered: 05/04/2004)
05/04/2004		***Motions terminated per hearing of 5/4/04 as to Amy Ann Pitts: <u>39</u> MOTION to Continue filed by Amy Ann Pitts,. (kcg, ) (Entered: 09/19/2005)
06/04/2004	<u>42</u>	MOTION to Allow Defendant to Participate in Weekend and Holdiay Activities at her Father's Home by Amy Ann Pitts. (kcg, ) (Entered: 06/04/2004)
06/07/2004	<u>43</u>	ORDER denying <u>42</u> Motion to allow defendant to participate in weekend and holiday activities as to Amy Ann Pitts (1). Signed by Judge Charles S. Coody on 6/7/04. (kcg, ) (Entered: 06/07/2004)
06/16/2004	<u>44</u>	RESPONSE to Motion by United States of America as to Amy Ann Pitts re [25] Motion to Suppress (Brown, Todd) (Entered: 06/16/2004)
07/01/2004	<u>45</u>	MOTION to Modify Defendant's Pretrial Supervision by Amy Ann Pitts. (kcg, ) (Entered: 07/01/2004)
07/06/2004	<u>46</u>	ORDER granting <u>45</u> Motion to modify defendant's pretrial supervision as to Amy Ann Pitts (1), as further set out. Signed by Judge Charles S. Coody on 7/6/04. (kcg, ) (Entered: 07/06/2004)
07/20/2004	<u>47</u>	ORDER as to Amy Ann Pitts Motion to Suppress Hearing is re-set from 7/22/2004 to 7/26/2004 02:00 PM in Courtroom 5B before Honorable Susan Russ Walker. Signed by Judge Susan Russ Walker on 7/20/04. (kcg, ) (Entered: 07/20/2004)
07/21/2004	<u>48</u>	MOTION to Modify Conditions of Defendant's Pretrial Supervision by Amy Ann Pitts. (kcg, ) (Entered: 07/21/2004)
07/22/2004	<u>49</u>	ORDER granting <u>48</u> Motion to modify conditions of release as to Amy Ann Pitts (1). Signed by Judge Charles S. Coody on 7/22/04. (kcg, ) (Entered: 07/22/2004)
07/26/2004	<u>50</u>	Minute Entry for proceedings held before Judge Susan Russ Walker :Motion Hearing as to Amy Ann Pitts held on 7/26/2004 re [25] Motion to Suppress filed by Amy Ann Pitts (Court Reporter Jimmy Dickens.) (Attachments: # <u>1</u> Witness List# <u>2</u> Defendant Exhibit List) (jct, ) (Entered: 07/26/2004)
07/30/2004		TRANSCRIPT of Hearing on Motion to Suppress Proceedings as to Amy Ann Pitts held on 7/26/04 before Judge Susan Russ Walker. Court Reporter: Jimmy Dickens. (kcg, ) (Entered: 08/04/2004)
08/10/2004	<u>51</u>	SEALED MOTION by Amy Ann Pitts. (kcg, ) (Entered: 08/10/2004)

08/12/2004	<a href="#"><u>52</u></a>	ORDER as to Amy Ann Pitts re <a href="#"><u>51</u></a> SEALED MOTION setting oral argument for 8/16/2004 10:00 AM in Courtroom 4B before Honorable Charles S. Coody. It is not necessary for the defendant to appear. Signed by Judge Charles S. Coody on 8/12/04. (snc) (Entered: 08/12/2004)
08/13/2004	<a href="#"><u>53</u></a>	ORDER as to Amy Ann Pitts re <a href="#"><u>52</u></a> Order Setting Oral Argument on defendant's motion (doc. #51) on August 16, 2004 be and hereby VACATED. Signed by Judge Charles S. Coody on 8/13/04. (ws) (Entered: 08/13/2004)
08/13/2004	<a href="#"><u>54</u></a>	REPORT AND RECOMMENDATION as to Amy Ann Pitts re [25] Motion to Suppress; Objections to R&R due by 8/26/2004. Signed by Judge Susan Russ Walker on 8/13/04. (snc) (Entered: 08/13/2004)
08/13/2004	<a href="#"><u>55</u></a>	SEALED MOTION to Continue Trial by Amy Ann Pitts. (Attachments: # <a href="#"><u>1</u></a> Waiver of Speed Trial)(ws) (Entered: 08/16/2004)
08/20/2004	<a href="#"><u>56</u></a>	ORDER granting <a href="#"><u>51</u></a> Sealed Motion as to Amy Ann Pitts (1). Signed by Judge Charles S. Coody on 8/20/04. (kcg, ) (Entered: 08/20/2004)
08/23/2004	<a href="#"><u>57</u></a>	Minute Entry for proceedings held before Judge Susan Russ Walker :Pretrial Conference as to Amy Ann Pitts held on 8/23/2004 (Tape #2:05 - 2:09.) (jct, ) (Entered: 08/23/2004)
08/24/2004	<a href="#"><u>58</u></a>	SEALED ORDER as to Amy Ann Pitts (1) granting <a href="#"><u>55</u></a> Sealed Motion to continue trial, (2) continuing trial from the 9/13/04 to 1/10/05 trial term, (3) directing that the Magistrate Judge conduct a pretrial conference prior to the 1/10/05 trial term, and (4) SEALING this order. Signed by Judge Mark E. Fuller on 8/24/04. (snc) (Entered: 08/25/2004)
08/24/2004	<a href="#"><u>59</u></a>	CONTINUANCE - Ends of Justice as to Amy Ann Pitts continuing trial from 9/13/04 to 1/10/2005 trial term, directing Magistrate Judge to conduct a pretrial conference prior to 1/10/05. (NO PDF ATTACHED; UTILITY EVENT pursuant to Chief Judge Mark Fuller's 8/24/04 Sealed Order, DN 58)) (snc) (Entered: 08/25/2004)
08/25/2004	<a href="#"><u>59</u></a>	MOTION for Extension of Time to File Objections to U.S. Magistrate Judge's Report and Recommendation by Amy Ann Pitts. (kcg, ) (Entered: 08/26/2004)
08/26/2004	<a href="#"><u>60</u></a>	ORDER as to Amy Ann Pitts Pretrial Conference set for 12/20/2004 02:00 PM in Courtroom 5B before Honorable Susan Russ Walker. Signed by Judge Susan Russ Walker on 8/26/04. (kcg, ) (Entered: 08/26/2004)
08/31/2004	<a href="#"><u>61</u></a>	MOTION to Substitute Attorney <i>Terry F. Moor</i> instead of <i>Todd A. Brown</i> by United States of America as to Amy Ann Pitts. (Moorer, Terry) (Entered: 08/31/2004)
09/01/2004	<a href="#"><u>62</u></a>	OBJECTION TO REPORT AND RECOMMENDATIONS to Deny the Motion to Suppress <a href="#"><u>54</u></a> by Amy Ann Pitts (kcg, ) (Entered: 09/02/2004)
09/03/2004	<a href="#"><u>63</u></a>	ORDER granting <a href="#"><u>61</u></a> Motion to Substitute Attorney Terry Moor for Todd Brown. Signed by Judge Susan Russ Walker on 9/3/04. (kcg, )









		(Entered: 09/03/2004)
09/14/2004	 <u>64</u>	The United States of America is hereby ORDERED to file a response to Defendant's Objection to Magistrate Judge's Report and Recommendation to Deny the Motion to Suppress (Doc. #62) by no later than 9/24/2004. Signed by Judge Mark E. Fuller on 9/14/04. (kcg, ) (Entered: 09/14/2004)
09/24/2004	 <u>65</u>	BRIEF/RESPONSE in Opposition by United States of America as to Amy Ann Pitts re <u>54</u> REPORT AND RECOMMENDATIONS as to Amy Ann Pitts re [25] Motion to Suppress . <i>AUSA Response to Defendant's Objection to Magistrate Judge's Report and Recommendation to Deny the Motion to Suppress</i> (Brown, Todd) (Entered: 09/24/2004)
11/10/2004	 <u>66</u>	It if the ORDER, JUDGMENT and DECREE of the court that: (1) The defendant's Objections (Doc. #62) to the Recommendaition fo the Magistrate Judge filed on Spetember 1, 2004 are overruled; (2) The Recommendation of the Magistrate Judge (Doc. #54) entered on August 13, 2004 is adopted and (3) The defendant's Motion to Suppress Evidence (Doc. #25) is DENIED. Signed by Judge Mark E. Fuller on 11/10/04. (kcg, ) (Entered: 11/10/2004)
11/18/2004	 <u>67</u>	Motion to Modify Conditions of Pretrial Release Supervision by Amy Ann Pitts. (kcg, ) (Entered: 11/19/2004)
11/24/2004	 <u>68</u>	ORDER granting <u>67</u> Motion to Modify Conditions of Pretrial Supervision as to Amy Ann Pitts (1). Signed by Judge Charles S. Coody on 11/24/04. (snc) (Entered: 11/24/2004)
12/14/2004	 <u>69</u>	UNOPPOSED MOTION to Continue trial by Amy Ann Pitts. (kcg, ) (Entered: 12/14/2004)
12/21/2004	 <u>70</u>	ORDER as to Amy Ann Pitts, ORDER TO CONTINUE - Ends of Justice as to Amy Ann Pitts Time excluded from 12/21/04 until 4/18/05. Order GRANTING <u>69</u> MOTION to Continue trial filed by Amy Ann Pitts. Jury Trial reset from 1/10/05 to 4/18/2005 before Hon. Chief Judge Mark E. Fuller. The Magistrate Judge shall conduct a pretrial conference prior to the April 18, 2005 trial term. Signed by Judge Mark E. Fuller on 12/21/04. (kcg, ) (Entered: 12/21/2004)
12/22/2004	 <u>71</u>	ORDER as to Amy Ann Pitts Pretrial Conference set for 3/21/2005 03:00 PM in Courtroom 5B before Honorable Susan Russ Walker.. Signed by Judge Susan Russ Walker on 12/22/04. (jct, ) (Entered: 12/22/2004)
01/07/2005	 <u>72</u>	MOTION to Strike <i>Forfeiture Allegation</i> by United States of America as to Amy Ann Pitts. (Harmon, John) (Entered: 01/07/2005)
01/12/2005	 <u>73</u>	ORDER granting <u>72</u> Motion to Strike Forgeiture Allegation as to Amy Ann Pitts (1). Signed by Judge Mark E. Fuller on 1/12/05. (kcg, ) (Entered: 01/12/2005)
02/15/2005	 <u>74</u>	ORDER as to Amy Ann Pitts Pretrial Conference previously set for 3/21/2005 is rescheduled for 3/17/2005 03:00 PM in Courtroom 5B before

		Honorable Susan Russ Walker. Signed by Judge Susan Russ Walker on 2/15/05. (kcg, ) (Entered: 02/15/2005)
03/17/2005	<u>75</u>	Minute Entry for proceedings held before Judge Susan Russ Walker :Pretrial Conference as to Amy Ann Pitts held on 3/17/2005 (Recording Time 3:07 - 3:11.) (jct, ) (Entered: 03/17/2005)
04/07/2005	<u>76</u>	Defendant's Request for Placement Upon Consent Docket for Plea of Guilt by Amy Ann Pitts (kcg, ) (Entered: 04/08/2005)
04/08/2005	<u>77</u>	ORDER as to Amy Ann Pitts Change of Plea Hearing set for 4/11/2005 03:00 PM in Courtroom 5B before Honorable Susan Russ Walker. The Clerk is directed to provide a court reporter for this proceeding. If the defendant is in custody, the United States Marshal or the person having custody of the defendant shall produce the defendant for this proceeding. Signed by Judge Susan Russ Walker on 4/8/05. (kcg, ) (Entered: 04/08/2005)
04/11/2005	<u>78</u>	Consent to Enter Guilty Plea before U. S. Magistrate Judge as to Amy Ann Pitts (jct, ) (Entered: 04/11/2005)
04/11/2005	<u>79</u>	PLEA AGREEMENT as to Amy Ann Pitts (jct, ) (Entered: 04/11/2005)
04/11/2005	<u>80</u>	Minute Entry for proceedings held before Judge Susan Russ Walker :Change of Plea Hearing as to Amy Ann Pitts held on 4/11/2005, Plea entered by Amy Ann Pitts (1) Guilty Count 1. (Court Reporter Jimmy Dickens.) (jct, ) (Entered: 04/11/2005)
04/11/2005	<u>81</u>	ORDER that the defendant be released and continued under the same conditions imposed by U. S. Magistrate Judge on January 29, 2004 as to Amy Ann Pitts . Signed by Judge Susan Russ Walker on 4/11/05. (jct, ) (Entered: 04/11/2005)
04/13/2005	<u>82</u>	REPORT AND RECOMMENDATIONS CONCERNING PLEA OF GUILTY as to Count 1 of the Indictment as to Amy Ann Pitts Objections to R&R due by 4/26/2005. Signed by Judge Susan Russ Walker on 4/13/05. (kcg, ) (Entered: 04/13/2005)
04/15/2005	<u>83</u>	ORDER as to Amy Ann Pitts Sentencing set for 8/11/2005 09:00 AM in Courtroom 2A before Hon. Chief Judge Mark E. Fuller. On or before July 21, 2005, counsel for the defendant and the Government shall communicate in writing to the probation officer, adn to each other, any objections they have as to any material information, etc. That, unless excused in writing by the Chief U.S. Probation Officer of this district, counsel for the parties shall be available for a conference with the probation officer on July 22, 2005, at 9:30 a.m., to discuss and resolve, if possible, factual and legal issues contained in the presentence report, as further set out. Signed by Judge Mark E. Fuller on 4/15/05. (kcg, ) (Entered: 04/15/2005)
04/28/2005	<u>84</u>	ORDER Accepting Guilty Plea and Adjudication of Guilt as to Count 1 of the Indictment as to Amy Ann Pitts, Motions terminated as to Amy Ann



		Pitts: <u>82</u> REPORT AND RECOMMENDATIONS as to Amy Ann Pitts . Signed by Judge Mark E. Fuller on 4/28/05. (kcg, ) (Entered: 04/28/2005)
06/29/2005	<u>85</u>	ORDER denying as moot <u>59</u> Motion for Extension of Time to File as to Amy Ann Pitts (1). Signed by Judge Susan Russ Walker on 6/29/05. (kcg, ) (Entered: 06/29/2005)
06/30/2005	<u>86</u>	MOTION to Seal Case by United States of America as to Amy Ann Pitts. (kcg, ) (Entered: 07/05/2005)
07/06/2005	<u>87</u>	STAMPED ORDER granting <u>86</u> Motion to Seal Case as to Amy Ann Pitts (1); granting <u>86</u> Sealed Motion as to Amy Ann Pitts (1). Signed by Judge Mark E. Fuller on 7/6/05. (kcg, ) Modified on 7/6/2005 (kcg, ). (Entered: 07/06/2005)
07/20/2005	<u>88</u>	UNOPPOSED MOTION to Continue Sentencing and MOTION to Seal by Amy Ann Pitts. (kcg, ) (Entered: 07/22/2005)
07/21/2005	<u>89</u>	Petition/Motion to Modify Conditions of Pretrial Supervision by Amy Ann Pitts. (kcg, ) (Entered: 07/22/2005)
07/22/2005	<u>90</u>	ORDER granting <u>89</u> Motion to Modify Conditions of Pretrial Release as to Amy Ann Pitts (1). Signed by Judge Charles S. Coody on 7/22/05. (kcg, ) (Entered: 07/22/2005)
07/28/2005	<u>92</u>	MOTION for Downward Departure Pursuant to 5K1.1, U.S. Sentencing Guidelinesby United States of America as to Amy Ann Pitts. (kcg, ) (Entered: 07/29/2005)
07/28/2005	<u>93</u>	MOTION to Award 3 Points to Defendant for Acceptance of Responsibility Pursuant to 3E1.1, U.S. Sentencing Guidelines by United States of America as to Amy Ann Pitts. (kcg, ) (Entered: 07/29/2005)
07/29/2005	<u>91</u>	ORDER as to Amy Ann Pitts GRANTING <u>88</u> MOTION to Continue Sentencing from 8/11/2005 to 10/13/2005 09:00 AM in Courtroom 2A before Hon. Chief Judge Mark E. Fuller. It is further ORDERED that the motions and this order are placed under SEAL. Signed by Judge Mark E. Fuller on 7/29/05. (kcg, ) (Entered: 07/29/2005)
08/31/2005	<u>94</u>	PETITION to Revoke Pretrial Release by Montgomery U.S. Probation as to Amy Ann Pitts. (ws ) (Entered: 08/31/2005)
08/31/2005	<u>95</u>	STAMPED ORDER re <u>94</u> Petition to Revoke Pretrial Release directing issuance of Warrant for Arrest as to Amy Ann Pitts (1). Signed by Judge Charles S. Coody on 8/31/05. (ws, ) (Entered: 08/31/2005)
08/31/2005	<u>96</u>	WARRANT for Arrest Issued as to Amy Ann Pitts. (ws, ) (Entered: 08/31/2005)
08/31/2005	<u>97</u>	NOTICE OF BREACH OF PLEA AGREEMENT filed by United States of America as to Amy Ann Pitts (kcg, ) (Entered: 08/31/2005)
09/01/2005		Arrest of Amy Ann Pitts (ws, ) (Entered: 09/01/2005)

09/01/2005	<a href="#"><u>98</u></a>	Minute Entry for proceedings held before Judge Charles S. Coody :Initial Appearance re Revocation of Pretrial Release as to Amy Ann Pitts held on 9/1/2005 (Recording Time FTR: 2:03 - 2:32.) (ws ) (Entered: 09/01/2005)
09/01/2005		***Location start as to Amy Ann Pitts (ws, ) (Entered: 09/01/2005)
09/02/2005	<a href="#"><u>99</u></a>	ORDER that on August 31, 2005, the government filed a petition seeking revocation of the defendant's release pending sentencing. Accordingly, it is ORDERED that the defendant's release be and is hereby REVOKED and it is ORDERED that the defendant is committed to the custody of the Attorney General or his designated representative for confinement in an appropriate corrections facility, as further set out. Signed by Judge Charles S. Coody on 9/2/05. (kcg, ) (Entered: 09/02/2005)
09/02/2005	<a href="#"><u>100</u></a>	Arrest Warrant Returned Executed in case as to Amy Ann Pitts. Defendant arrested on 9/1/05. (kcg, ) (Entered: 09/06/2005)
09/28/2005	<a href="#"><u>101</u></a>	Defendant, Amy Pitts, Response to <a href="#"><u>97</u></a> Notice of Breach of Plea Agreement file by the United States. (kcg, ) (Entered: 09/28/2005)
10/07/2005	<a href="#"><u>102</u></a>	UNOPPOSED MOTION to Continue Sentencing filed by Amy Ann Pitts. (kcg, ) (Entered: 10/11/2005)
10/12/2005	<a href="#"><u>103</u></a>	ORDER as to Amy Ann Pitts GRANTING <a href="#"><u>102</u></a> MOTION to Continue Sentencing filed by Amy Ann Pitts. Sentencing is continued from 10/13/2005 to 11/18/2005 08:30 AM in Courtroom 2A before Hon. Chief Judge Mark E. Fuller. Signed by Judge Mark E. Fuller on 10/12/05. (kcg, ) (Entered: 10/12/2005)
10/12/2005	<a href="#"><u>104</u></a>	Minute Entry for proceedings held before Judge Mark E. Fuller :Telephone Status Conference as to Amy Ann Pitts held on 10/12/2005. (no pdf is attached) (kcg, ) (Entered: 11/09/2005)
11/16/2005	<a href="#"><u>104</u></a>	MOTION to Continue Sentencing by United States of America as to Amy Ann Pitts. (kcg, ) (Entered: 11/17/2005)
11/17/2005	<a href="#"><u>105</u></a>	ORDER as to Amy Ann Pitts GRANTING <a href="#"><u>104</u></a> MOTION to Continue Sentencing filed by United States of America. Sentencing is continued from 11/18/2005 to 1/20/2006 09:00 AM in Courtroom 2A before Hon. Chief Judge Mark E. Fuller. Signed by Judge Mark E. Fuller on 11/17/05. (kcg, ) (Entered: 11/17/2005)
01/11/2006	<a href="#"><u>106</u></a>	ORDER as to Amy Ann Pitts Sentencing set for 1/20/2006 is continued to 1/31/2006 09:00 AM in Courtroom 2A before Hon. Chief Judge Mark E. Fuller. Signed by Judge Mark E. Fuller on 1/11/06. (kcg, ) (Entered: 01/11/2006)
01/31/2006	<a href="#"><u>107</u></a>	Minute Entry for proceedings held before Judge Mark E. Fuller :Sentencing held on 1/31/2006 as to Amy Ann Pitts (1) (Court Reporter James R. Dickens.) (Attachments: # <a href="#"><u>1</u></a> Exhibit List# <a href="#"><u>2</u></a> Witness List) [exhibits maintained w/file in separate binder] (kcg, ) (Entered: 02/02/2006)

01/31/2006		ORAL ORDER as to Amy Ann Pitts GRANTING <u>92</u> MOTION for Downward Departure filed by United States of America and GRANTING a two point reduction in <u>93</u> MOTION to Award 3 Points to Defendant for Acceptance of Responsibility Pursuant to 3E1.1, U.S. Sentencing Guidelines filed by United States of America,. . Signed by Judge Mark E. Fuller on 1/31/06. (kcg, ) (Entered: 02/02/2006)
02/03/2006	 <u>108</u>	JUDGMENT as to Amy Ann Pitts (1), Count(s) 1, 121 Mos Imp; 4 Yrs Sup Rel; \$100 SA . Signed by Judge Mark E. Fuller on 2/3/06. (kcg, ) (Entered: 02/03/2006)
02/03/2006		***Case Terminated as to Amy Ann Pitts (kcg, ) (Entered: 02/03/2006)
03/23/2006		Payment Received: as to Amy Ann Pitts \$ 100.00 assessment, receipt number 109659 (ws, ) (Entered: 03/23/2006)
05/19/2006	 <u>109</u>	Judgment Returned Executed as to Amy Ann Pitts on 5/9/2006. (sql, ) (Entered: 05/19/2006)
06/12/2006	 <u>110</u>	MOTION For Transcripts By a Person Proceeding In Forma Pauperis by Amy Ann Pitts. (Attachments: #(1) Application - IFP #(2) Inmate Statements)(ajr, ) (Entered: 06/12/2006)
09/11/2006	 <u>111</u>	ORDER granting <u>110</u> Motion for Transcript as to Amy Ann Pitts (1). Signed by Judge Mark E. Fuller on 9/11/06. (ws ) Modified on 9/28/2006 (kcg, ). [VACATED PER ORDER ENTERED ON 9/28/06] (Entered: 09/11/2006)
09/28/2006	 <u>112</u>	ORDER as to Amy Ann Pitts that the Court has on its own motion reconsidered Defendant's Motion for Transcripts by a Person Proceeding in Forma Pauperis (Doc. #110). Because there has been no appeal or post-judgment matter, her request for transcripts, to which she might otherwise be entitled, is premature. Upon consideration, it is herefore ordered that: (1) the Order granting the Motion for Transcripts (Doc. #111) is VACATED; and (2) the Motion for Transcripts (Doc. #110) is DENIED WITHOUT PREJUDICE. Signed by Judge Mark E. Fuller on 9/28/06. (kcg, ) (Entered: 09/28/2006)
12/28/2006	 <u>113</u>	*SEALED* MOTION to Unseal Case by United States of America as to Amy Ann Pitts. (sql, ) (Entered: 12/29/2006)
12/29/2006	 <u>114</u>	ORDER granting <u>113</u> Motion to Unseal Case as to Amy Ann Pitts (1). Signed by Judge Charles S. Coody on 12/29/2006. (sql, ) (Entered: 12/29/2006)

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA	)	
	)	
v	)	CR. NO. 2:04cr25-MEF
	)	
AMY ANN PITTS	)	

**ORDER**

Now pending before the court is the United States' motion to unseal the court's case file in this matter. Upon consideration of the motion, and for good cause, it is

ORDERED that the motion to unseal (doc. # 113) be and is hereby GRANTED.

Done this 29<sup>th</sup> day of December 2006.

/s/Charles S. Coody  
CHARLES S. COODY  
CHIEF UNITED STATES MAGISTRATE JUDGE